

#459
BILL NO. Z-91-03-10

ZONING MAP ORDINANCE NO. Z-03-91

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. 459.

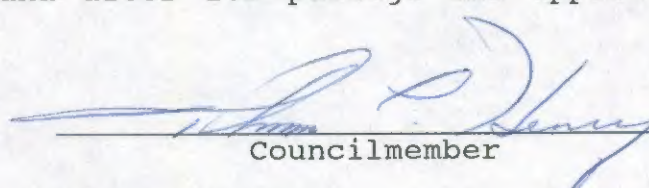
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated an B-1-B (Light Business) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

Part of the NE $\frac{1}{4}$ of Sec. 23, T 31 N, R 12 E; beginning
at the NE corner of said $\frac{1}{4}$ section; thence W along the
N line of said $\frac{1}{4}$ section a distance of 400'; thence
south parallel with the E line of said $\frac{1}{4}$ section a
distance of 750' to a point; thence E parallel with the
N line of said $\frac{1}{4}$ section a distance of 400' to the E
line of said $\frac{1}{4}$ section, thence N 750' along the E line
of said $\frac{1}{4}$ section to the point of beginning, containing
approximately 9.24 acres and subject to all rights-of-
way.

and the symbols of the City of Fort Wayne Zoning Map No. M-
34, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Henry, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee on Legislation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock P.M., E.S.T.

DATED: 3-12-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Bradbury, and duly adopted, placed on its passage. PASSED ~~lost~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY	<u>✓</u>			
BURNS	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD				<u>✓</u>
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 4-9-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ (GENERAL), (SPECIAL) (ZONING MAP) ORDINANCE ~~RESOLUTION~~ NO. 2-03-91 on the 9th day of April, 1991

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of April, 1991, at the hour of 1:30 o'clock P.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of April, 1991, at the hour of 10:00 o'clock P.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT NO. _____
DATE FILED _____
INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We _____
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne
Indiana, by reclassifying from a/an FA District to a/an B/B
District the property described as follows:

SEE ATTACHED (Travellers Court FA)

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:
5701-5811-5823 Coldwater Road

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one
percentum (51%) or more of the property described in this petition.

_____	_____	_____
_____	_____	_____
_____	_____	_____
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

_____	_____	_____
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning
and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street,
Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

2) Travellers Center (Halls/Wendy)

Part of the NE $\frac{1}{4}$ of Sec. 23, T 31 N, R 12 E; beginning at the NE corner of said $\frac{1}{4}$ section; thence W along the N line of said $\frac{1}{4}$ section a distance of 400'; thence south parallel with the E line of said $\frac{1}{4}$ section a distance of 750' to a point; thence E parallel with the N line of said $\frac{1}{4}$ section a distance of 400' to the E line of said $\frac{1}{4}$ section, thence N 750' along the E line of said $\frac{1}{4}$ section to the point of beginning, containing approximately 9.24 acres and subject to all rights-of-way.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 12, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-03-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 18, 1991.

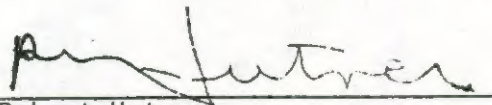
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 25, 1991.

Certified and signed this
27th day of March 1991.


Robert Hutner
Secretary

#459

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 5701, 5811 & 5823 Coldwater Road

2-91-03-10

EFFECT OF PASSAGE Property is presently zoned IA Symbol - Interchange
Access Symbol. Property will become B-1-B - Limited Business District.

EFFECT OF NON-PASSAGE Property will remain zoned IA Symbol - Interchange
Access District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

FACT SHEET

Z-91-03-10

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Map Amendment

APPROVAL DEADLINE**REASON**

From IA to B-1-B

DETAILS**Specific Location and/or Address**

5701, 5811 & 5823 Coldwater Road

Reason for Project

Elimination of IA District.

Discussion (Including relationship to other Council actions)

18 March 1991 - Public Hearing

Wayne O'Brien, Planner II with Community & Economic Development stated that the staff is proposing to eliminate the IA text. He stated that this is one of five areas in the city that was developed under the provisions of the IA District. He stated that they are proposing to reclassify this area to a B-1-B District. He stated it is located on the southwest corner of Washington Center & Coldwater Roads and is approximately 4.8 acres of ground. He stated that it currently has a service station, Don Hall's Factory and a Wendy's on the property. He stated that the rezoning will be compatible with the surrounding area and will not create any non-conforming uses.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**City Plan Commission
City Department

Other

Opponents**Groups or Individuals****Basis of Opposition****Staff
Recommendation**☒ For☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For☐ Against☐ No Action Taken
☐ For with revisions to conditions
(See Details column for conditions)
**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

25 March 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 11 February 1991

Projected Completion or Occupancy

Date 27 March 1991

Fact Sheet Prepared by

Date 27 March 1991

Patricia Biancaniello

Reviewed by

Date 3-28-91

R. May 1032

Reference or Case Number

BILL NO. Z-91-03-10

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) ~~XXXXXXXXXX~~ (RESOLUTION) amending the City of
Fort Wayne Zoning Map No. 459

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~

DO PASS

DO NOT PASS

ABSTAIN

NO REC

[Handwritten signatures: Thomas C. Henry, David C. Long, and Edmonds]

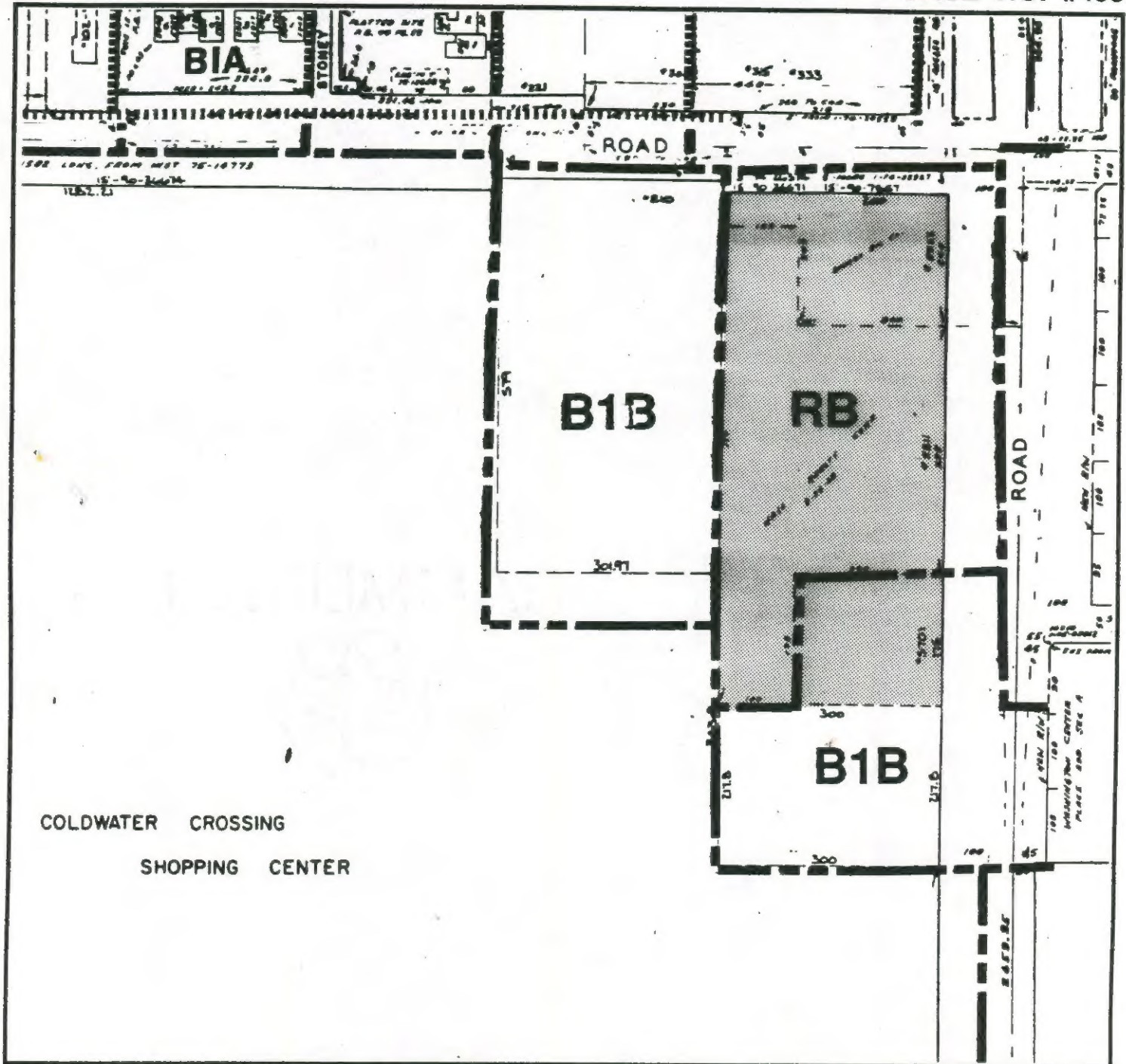
DATED: 4-9-91

Sandra E. Kennedy
City Clerk

REZONING PETITION

AREA MAP

CASE NO. #459



COUNCILMANIC DISTRICT NO. 3

Map No.: M-34
LW 2-22-91

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	IA	Interchange Access
PUD	Planned Unit Dev.	POD	Professional Office District	MHP	Mobile Home Park